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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ISRAEL PADILLA,

Defendant and Appellant.

2d Crim. No. B210338
(Super. Ct. No. 2008009341)
(Ventura County)

Israel Padilla appeals from the judgment following his guilty plea to second degree burglary of a vehicle (Pen. Code, § 459),¹ his admission of one prior conviction within the meaning of the Three Strikes law (§§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)), and his admission of three prior prison terms (§ 667.5, subd. (b)). At sentencing, the trial court imposed a prison sentence of three years eight months consisting of the low term for the burglary doubled as a second “strike,” plus a consecutive one-year term for one of the section 667.5 subdivision (b) prior prison terms. The court struck the two other prior prison term allegations.

The following facts are taken from the probation report. On March 5, 2008, police saw Padilla looking into parked cars in a parking structure. Police found

¹ All statutory references are to the Penal Code unless otherwise stated.

items stolen from other cars in Padilla's car. When arrested at the scene, he denied knowledge of the stolen property, but later admitted culpability.

Appellant filed a timely notice of appeal challenging the trial court's calculation of his presentence custody credit, but did not file a request for a certificate of probable cause. (§ 1237.5.) His appeal lies because it is based on grounds that arose after the entry of his plea and does challenge the plea's validity. (Cal. Rules of Court, rule 8.304(b).)

We appointed counsel to represent appellant in this appeal. After reviewing the record, counsel filed an opening brief raising no issues and requesting this court to independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On December 1, 2008, we advised appellant that he had 30 days in which to submit a written brief or letter stating any contentions or arguments he wished us to consider. We have had no response from him.

We have examined the entire record and are satisfied that appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Bruce A. Clark, Judge
Superior Court County of Ventura

California Appellate Project, Jonathan B. Steiner, Executive Director,
Richard B. Lennon, Staff Attorney, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.